

Notice of Allowability

Application No.

09/423,035

Examiner

Tracy Vivlemore

Applicant(s)

JOYCE ET AL.

Art Unit

1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 3/31/06.
2. ☒ The allowed claim(s) is/are 1,3-25,27-29 and 31-61.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

JANE ZARA, PH.D.
PRIMARY EXAMINER

Jane Zara
TC1600

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael McCarthy on June 23, 2006.

The application has been amended as follows:

In claims 1, 9, 10, 14, 17, 18, 19, 20, 21, 22, 51, 52 and 53: the word "DNA" is deleted and replaced with the words --nucleic acid-- in line 1.

In claims 3 and 31: the text --GGCTAGCTACAACGA, wherein the sequence GGCTAGCTACAACGA represents-- is inserted after the word "comprises" in line 2.

In claim 5: the word "DNA" is deleted and replaced with the words --nucleic acid-- in lines 1 and 2. The text "(DNA)" is deleted from line 3. The word "composites" is deleted and replaced by the words --any combination-- in line 4.

In claim 6: the word "DNA" is deleted and replaced with the words --nucleic acid-- in line 1. The word "composites" is deleted and replaced by the words --any combination-- in line 3.

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In claim 7: the word "DNA" is deleted and replaced with the words --nucleic acid-- in lines 1 and 2. The text --an-- is inserted after the word "with" in line 4. The word "nucleotides" is changed to --nucleotide-- in line 5.

In claim 8: the word "DNA" is deleted and replaced with the words --nucleic acid-- in line 1. The word "nucleotides" is changed to --nucleotide-- in line 2. The word "comprise" is changed to the words --comprises a-- in line 2.

In claim 11: the word "DNA" is deleted and replaced with the words --nucleic acid-- in line 1. The text "(3',3'-linked)" is deleted from lines 2-3.

In claims 12, 15 and 16: the word "DNA" is deleted and replaced with the words --nucleic acid-- in lines 1 and 2.

Claim 13 is rewritten as follows:

The catalytic nucleic acid molecule of Claim 1 wherein said first and second substrate binding regions respectively are complementary to first and second portions of a sequence selected from the group consisting of SEQ ID NOs 102-119.

In claims 23 and 24: the word "DNA" is deleted and replaced with the words --nucleic acid-- in lines 2 and 3.

In claim 25: the word "DNA" is deleted and replaced with the words --nucleic acid-- in lines 4 and 10.

In claims 28, 39, 48 and 49: the word "DNA" is deleted and replaced with the words --nucleic acid-- in line 2.

In claim 29: the word "DNA" is deleted and replaced with the words --nucleic acid-- in line 2. In line 8, the word "deoxyribonucleic" is deleted and replaced with the word --nucleic--. The text --nucleic acid-- is inserted after the word "said" in line 11.

In claim 33: the word "DNA" is deleted and replaced with the words --nucleic acid-- in line 2. The text "(DNA)" is deleted from line 2. The word "composites" is deleted and replaced by the words --any combination-- in line 3.

In claim 34: the word "DNA" is deleted and replaced with the words --nucleic acid-- in line 2. The text --an-- is inserted after the word "with" in line 4. The word "nucleotides" is changed to --nucleotide-- in line 5.

In claim 35: the word "nucleotides" is changed to --nucleotide-- in line 2. The word "comprise" is changed to the words --comprises a-- in line 2.

In claim 38: the text "(3',3'-linked)" is deleted from line 2.

Claim 40 is rewritten as follows:

The method of claim 29 wherein said first and second substrate binding regions respectively are complementary to first and second portions of a sequence selected from the group consisting of SEQ ID NOs 102-119.

In claim 47: the word "composites" is deleted and replaced by the words --any combination-- in line 3.

In claim 56: the word "DNA" is deleted and replaced with the words --nucleic acid-- in lines 1 and 2. The text "(DNA)" is deleted from line 3.

In claims 57 and 58: the word "DNA" is deleted and replaced with the words --nucleic acid-- in lines 1 and 2. The text "(DNA)" is deleted from line 3. The word "composites" is deleted and replaced by the words --any combination-- in line 4.

In claims 59: the word "DNA" is deleted and replaced with the words --nucleic acid-- in line 2. The text "(DNA)" is deleted from line 3.

In claims 60 and 61: the word "DNA" is deleted and replaced with the words --nucleic acid-- in line 2. The text "(DNA)" is deleted from line 3. The word "composites" is deleted and replaced by the words --any combination-- in line 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracy Vivlemore whose telephone number is 571-272-2914. The examiner can normally be reached on Mon-Fri 8:45-5:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JANE ZARA, PH.D.
PRIMARY EXAMINER

Jane Zara
TC 1600

Tracy Vivlemore
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Art Unit 1635

TV
June 26, 2006